

118TH CONGRESS
1ST SESSION

S. _____

To provide support for nationals of Afghanistan who supported the United States mission in Afghanistan, adjustment of status for eligible individuals, to support at-risk Afghan allies and relatives of certain members of the Armed Forces, and to amend section 212(d)(5) of the Immigration and Nationality Act to reform the parole process, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. COTTON introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To provide support for nationals of Afghanistan who supported the United States mission in Afghanistan, adjustment of status for eligible individuals, to support at-risk Afghan allies and relatives of certain members of the Armed Forces, and to amend section 212(d)(5) of the Immigration and Nationality Act to reform the parole process, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Ensuring American
5 Security and Protecting Afghan Allies Act”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) APPROPRIATE COMMITTEES OF CON-
4 GRESS.—The term “appropriate committees of Con-
5 gress” means—

6 (A) the Committee on the Judiciary of the
7 Senate;

8 (B) the Committee on Foreign Relations of
9 the Senate;

10 (C) the Committee on Armed Services of
11 the Senate;

12 (D) the Committee on Appropriations of
13 the Senate;

14 (E) the Committee on the Judiciary of the
15 House of Representatives;

16 (F) the Committee on Foreign Affairs of
17 the House of Representatives;

18 (G) the Committee on Armed Services of
19 the House of Representatives; and

20 (H) the Committee on Appropriations of
21 the House of Representatives.

22 (2) IMMIGRATION LAWS.—The term “immigra-
23 tion laws” has the meaning given such term in sec-
24 tion 101(a)(17) of the Immigration and Nationality
25 Act (8 U.S.C. 1101(a)(17)).

1 (3) SPECIAL IMMIGRANT STATUS.—The term
2 “special immigrant status” means special immigrant
3 status provided under—

4 (A) the Afghan Allies Protection Act of
5 2009 (8 U.S.C. 1101 note; Public Law 111–8);

6 (B) section 1059 of the National Defense
7 Authorization Act for Fiscal Year 2006 (8
8 U.S.C. 1101 note; Public Law 109–163); or

9 (C) section 6 or an amendment made by
10 such section.

11 (4) SPECIFIED APPLICATION.—The term “spec-
12 ified application” means—

13 (A) a pending, documentarily complete ap-
14 plication for special immigrant status; and

15 (B) a case in processing in the United
16 States Refugee Admissions Program for an in-
17 dividual who has received a Priority 1 or Pri-
18 ority 2 referral to such program.

19 (5) UNITED STATES REFUGEE ADMISSIONS
20 PROGRAM.—The term “United States Refugee Ad-
21 missions Program” means the program to resettle
22 refugees in the United States pursuant to the au-
23 thorities provided in sections 101(a)(42), 207, and
24 412 of the Immigration and Nationality Act (8
25 U.S.C. 1101(a)(42), 1157, and 1522).

1 **SEC. 3. SUPPORT FOR AFGHAN ALLIES OUTSIDE OF THE**
2 **UNITED STATES.**

3 (a) **RESPONSE TO CONGRESSIONAL INQUIRIES.**—The
4 Secretary of State shall respond to inquiries by Members
5 of Congress regarding the status of a specified application
6 submitted by, or on behalf of, a national of Afghanistan,
7 including any information that has been provided to the
8 applicant, in accordance with section 222(f) of the Immi-
9 gration and Nationality Act (8 U.S.C. 1202(f)).

10 (b) **OFFICE IN LIEU OF EMBASSY.**—During the pe-
11 riod in which there is no operational United States em-
12 bassy in Afghanistan, the Secretary of State shall des-
13 ignate an appropriate office within the Department of
14 State—

15 (1) to review specified applications submitted by
16 nationals of Afghanistan residing in Afghanistan, in-
17 cluding by conducting any required interviews;

18 (2) to issue visas or other travel documents to
19 such nationals, in accordance with the immigration
20 laws;

21 (3) to provide services to such nationals, to the
22 greatest extent practicable, that would normally be
23 provided by an embassy; and

24 (4) to carry out any other function that the
25 Secretary considers necessary.

1 **SEC. 4. CONDITIONAL PERMANENT RESIDENT STATUS FOR**
2 **ELIGIBLE INDIVIDUALS.**

3 (a) DEFINITIONS.—In this section:

4 (1) CONDITIONAL PERMANENT RESIDENT STA-
5 TUS.—The term “conditional permanent resident
6 status” means conditional permanent resident status
7 under section 216 of the Immigration and Nation-
8 ality Act (8 U.S.C. 1186a–b), subject to the provi-
9 sions of this section.

10 (2) ELIGIBLE INDIVIDUAL.—The term “eligible
11 individual” means an alien who—

12 (A) is present in the United States;

13 (B) is a citizen or national of Afghanistan
14 or, in the case of an alien having no nationality,
15 is a person who last habitually resided in Af-
16 ghanistan;

17 (C) has not been granted permanent resi-
18 dent status; and

19 (D)(i) was inspected and admitted to the
20 United States on or before the date of the en-
21 actment of this Act; or

22 (ii) was paroled into the United States
23 during the period beginning on July 30, 2021,
24 and ending on the date of the enactment of this
25 Act, provided that such parole has not been ter-

1 minated by the Secretary of Homeland Security
2 upon written notice.

3 (b) CONDITIONAL PERMANENT RESIDENT STATUS
4 FOR ELIGIBLE INDIVIDUALS.—

5 (1) ADJUSTMENT OF STATUS TO CONDITIONAL
6 PERMANENT RESIDENT STATUS.—Immediately on
7 the date of the enactment of this Act, the Secretary
8 of Homeland Security shall—

9 (A) adjust the status of each eligible indi-
10 vidual to that of conditional permanent resident
11 status; and

12 (B) create for each eligible individual a
13 record of admission to such status as of the
14 date on which the eligible individual was ini-
15 tially inspected and admitted or paroled into
16 the United States.

17 (2) REMOVAL OF CONDITIONS.—

18 (A) IN GENERAL.—Not later than the date
19 described in subparagraph (B), the Secretary of
20 Homeland Security shall remove the conditions
21 on the permanent resident status of an eligible
22 individual if the Secretary has determined
23 that—

24 (i) subject to subparagraph (C), the
25 eligible individual is not subject to any

1 ground of inadmissibility under section 212
2 of the Immigration and Nationality Act (8
3 U.S.C. 1182); and

4 (ii) the eligible individual is not the
5 subject of significant derogatory informa-
6 tion, such as a conviction of a felony or
7 any other information indicating that the
8 eligible individual poses a national security
9 concern.

10 (B) DATE DESCRIBED.—The date de-
11 scribed in this subparagraph is the earlier of—

12 (i) the date that is 4 years after the
13 date on which an eligible individual was
14 admitted or paroled into the United States;
15 or

16 (ii) July 1, 2027.

17 (C) WAIVER.—

18 (i) IN GENERAL.—Except as provided
19 in clause (ii), with respect to an eligible in-
20 dividual, the Secretary of Homeland Secu-
21 rity may waive the application of the
22 grounds of inadmissibility under in section
23 212(a) of the Immigration and Nationality
24 Act (8 U.S.C. 1182(a)) for humanitarian
25 purposes or to ensure family unity.

1 (ii) EXCEPTIONS.—The Secretary of
2 Homeland Security may not waive under
3 clause (i) the application of subparagraphs
4 (C) through (H) of paragraph (2), or para-
5 graph (3), of section 212(a) of the Immi-
6 gration and Nationality Act (8 U.S.C.
7 1182(a)).

8 (3) TREATMENT OF CONDITIONAL RESIDENT
9 PERIOD FOR PURPOSES OF NATURALIZATION.—An
10 eligible individual in conditional resident status shall
11 be considered—

12 (A) to have been admitted to the United
13 States as an alien lawfully admitted for perma-
14 nent residence; and

15 (B) to be present in the United States as
16 an alien lawfully admitted to the United States
17 for permanent residence.

18 (c) TERMS OF CONDITIONAL PERMANENT RESIDENT
19 STATUS.—

20 (1) ASSESSMENT.—

21 (A) IN GENERAL.—Before removing the
22 conditions on the permanent resident status of
23 an eligible individual under subsection (b)(2),
24 the Secretary of Homeland Security shall con-
25 duct an assessment with respect to the eligible

1 individual, which shall be equivalent in rigor to
2 the assessment conducted with respect to refu-
3 gees admitted to the United States through the
4 United States Refugee Admissions Program, for
5 the purpose of determining whether the eligible
6 individual is subject to any ground of inadmis-
7 sibility under section 212 of the Immigration
8 and Nationality Act (8 U.S.C. 1182) or any
9 ground of deportability under section 237 of
10 that Act (8 U.S.C. 1227).

11 (B) CONSULTATION.—In conducting an as-
12 sessment under subparagraph (A), the Sec-
13 retary of Homeland Security may consult with
14 the head of any other relevant agency and re-
15 view the holdings of any such agency.

16 (2) PERIODIC NONADVERSARIAL MEETINGS.—

17 (A) IN GENERAL.—Not later than 180
18 days after the date on which the status of an
19 eligible individual is adjusted to conditional per-
20 manent resident status, and periodically there-
21 after, the eligible individual shall participate in
22 a nonadversarial meeting with an official of the
23 Office of Refugee Resettlement, during which
24 such official shall—

(i) on request by the eligible individual, assist the eligible individual in applying for any applicable immigration benefit and completing any applicable immigration-related paperwork; and

6 (ii) answer any questions regarding
7 eligibility for other benefits.

8 (B) NOTIFICATION OF REQUIREMENTS.—

9 Not later than 7 days before the date on which
10 a meeting under subparagraph (A) is scheduled
11 to occur, the Secretary of Health and Human
12 Services shall provide notice to the eligible indi-
13 vidual that includes the date of the scheduled
14 meeting and a description of the process for re-
15 scheduling the meeting.

16 (C) CONDUCT OF MEETING.—The Sec-
17 retary of Health and Human Services shall im-
18 plement practices to ensure that—

(i) meetings under subparagraph (A) are conducted in a nonadversarial manner; and

(ii) interpretation and translation services are provided to eligible individuals with limited English proficiency.

1 (D) RULE OF CONSTRUCTION.—Nothing in
2 this section shall be construed to prevent an eli-
3 gible individual from electing to have counsel
4 present during a meeting under subparagraph
5 (A).

6 (3) ELIGIBILITY FOR BENEFITS.—Except with
7 respect to an application for naturalization, an eligi-
8 ble individual in conditional permanent resident sta-
9 tus shall be considered to be an alien lawfully admit-
10 ted for permanent residence for purposes of the ad-
11 judication of an application or petition for a benefit
12 or the receipt of a benefit.

13 (4) NOTIFICATION OF REQUIREMENTS.—Not
14 later than 90 days after the date on which the sta-
15 tus of an eligible individual is adjusted to that of
16 conditional permanent resident status, the Secretary
17 of Homeland Security shall provide notice to the eli-
18 gible individual with respect to the provisions of—

19 (A) this section;

20 (B) paragraph (1) (relating to the conduct
21 of assessments); and

22 (C) paragraph (2) (relating to periodic
23 nonadversarial meetings).

24 (d) APPLICATION FOR NATURALIZATION.—The Sec-
25 retary of Homeland Security shall establish procedures by

1 which an eligible individual may be considered for natu-
2 ralization concurrently with the removal of the conditions
3 on his or her permanent resident status under subsection
4 (b)(2).

5 (e) GUIDANCE.—

6 (1) INTERIM GUIDANCE.—

7 (A) IN GENERAL.—Not later than 60 days
8 after the date of the enactment of this Act, the
9 Secretary of Homeland Security shall issue
10 guidance implementing this section.

11 (B) PUBLICATION.—Notwithstanding sec-
12 tion 553 of title 5, United States Code, guid-
13 ance issued pursuant to subparagraph (A)—

14 (i) may be published on the internet
15 website of the Department of Homeland
16 Security; and

17 (ii) shall be effective on an interim
18 basis immediately upon such publication
19 but may be subject to change and revision
20 after notice and an opportunity for public
21 comment.

22 (2) FINAL GUIDANCE.—

23 (A) IN GENERAL.—Not later than 180
24 days after the date of the enactment of this

1 Act, the Secretary of Homeland Security shall
2 finalize the guidance implementing this section.

3 (B) EXEMPTION FROM THE ADMINISTRA-
4 TIVE PROCEDURES ACT.—Chapter 5 of title 5,
5 United States Code (commonly known as the
6 “Administrative Procedures Act”) shall not
7 apply to the guidance issued under this para-
8 graph.

9 (f) ASYLUM CLAIMS.—With respect to the adjudica-
10 tion of an application for asylum submitted by an eligible
11 individual, section 2502(c) of the Extending Government
12 Funding and Delivering Emergency Assistance Act (8
13 U.S.C. 1101 note; Public Law 117–43) shall not apply.

14 (g) PROHIBITION ON FEES.—The Secretary of
15 Homeland Security may not charge a fee to any eligible
16 individual in connection with the initial issuance under
17 this section of—

18 (1) a document evidencing status as an alien
19 lawfully admitted for permanent residence; or

20 (2) an employment authorization document.

21 (h) ELIGIBILITY FOR BENEFITS.—

22 (1) IN GENERAL.—Notwithstanding any other
23 provision of law—

24 (A) an individual described in subsection

25 (a) of section 2502 of the Afghanistan Supple-

1 mental Appropriations Act, 2022 (8 U.S.C.
2 1101 note, Public Law 117–43) shall retain his
3 or her eligibility for the benefits and services
4 described in subsection (b) of such section if the
5 individual has a pending application, or is
6 granted adjustment of status, under this sec-
7 tion; and

8 (B) such benefits and services shall remain
9 available to the individual to the same extent
10 and for the same periods of time as such bene-
11 fits and services are otherwise available to refu-
12 gees who acquire such status.

13 (2) EXCEPTION FROM FIVE-YEAR LIMITED ELI-
14 GIBILITY FOR MEANS-TESTED PUBLIC BENEFITS.—
15 Section 403(b)(1) of the Personal Responsibility and
16 Work Opportunity Reconciliation Act of 1996 (8
17 U.S.C. 1613(b)(1)) is amended by adding at the end
18 the following:

19 “(F) An alien who status is adjusted to
20 that of an alien lawfully admitted for perma-
21 nent residence under section 4 of the Ensuring
22 American Security and Protecting Afghan Allies
23 Act.”.

24 (i) RULE OF CONSTRUCTION.—Nothing in this sec-
25 tion may be construed to preclude an eligible individual

1 from applying for or receiving any immigration benefit to
2 which the eligible individual is otherwise entitled.

3 (j) AUTHORIZATION FOR APPROPRIATIONS.—There
4 is authorized to be appropriated to the Secretary of Home-
5 land Security \$20,000,000 for each of the fiscal years
6 2024 through 2028 to carry out this section.

7 **SEC. 5. INTERAGENCY TASK FORCE ON AFGHAN ALLY**
8 **STRATEGY.**

9 (a) ESTABLISHMENT.—Not later than 180 days after
10 the date of the enactment of this Act, the President shall
11 establish an Interagency Task Force on Afghan Ally
12 Strategy (referred to in this section as the “Task
13 Force”)—

14 (1) to develop and oversee the implementation
15 of the strategy and contingency plan described in
16 subsection (d)(1)(A); and

17 (2) to submit the report, and provide a briefing
18 on the report, as described in subsection (d).

19 (b) MEMBERSHIP.—

20 (1) IN GENERAL.—The Task Force shall in-
21 clude—

22 (A) 1 or more representatives from each
23 relevant Federal agency, as designated by the
24 head of the applicable relevant Federal agency;
25 and

1 (B) any other Federal Government official
2 designated by the President.

3 (2) DEFINED TERM.—In this subsection, the
4 term “relevant Federal agency” means—

5 (A) the Department of State;

6 (B) the Department Homeland Security;

7 (C) the Department of Defense;

8 (D) the Department of Health and Human
9 Services;

10 (E) the Federal Bureau of Investigation;

11 and

12 (F) the Office of the Director of National
13 Intelligence.

14 (c) CHAIR.—The Task Force shall be chaired by the
15 Secretary of State.

16 (d) DUTIES.—

17 (1) REPORT.—

18 (A) IN GENERAL.—Not later than 180
19 days after the date on which the Task Force is
20 established, the Task Force, acting through the
21 chair of the Task Force, shall submit a report
22 to the appropriate committees of Congress that
23 includes—

24 (i) a strategy for facilitating the reset-
25 tlement of nationals of Afghanistan outside

1 the United States who, during the period
2 beginning on October 1, 2001, and ending
3 on September 1, 2021, directly and person-
4 ally supported the United States mission in
5 Afghanistan, as determined by the Sec-
6 retary of State in consultation with the
7 Secretary of Defense; and

8 (ii) a contingency plan for future
9 emergency operations in foreign countries
10 involving foreign nationals who have
11 worked directly with the United States
12 Government, including the Armed Forces
13 of the United States and United States in-
14 telligence agencies.

15 (B) ELEMENTS.—The report required
16 under subparagraph (A) shall include—

17 (i) the total number of nationals of
18 Afghanistan who have pending specified
19 applications, disaggregated by—

20 (I) such nationals in Afghanistan
21 and such nationals in a third country;

22 (II) type of specified application;
23 and

24 (III) applications that are
25 documentarily complete and applica-

1 tions that are not documentarily com-
2 plete;

3 (ii) an estimate of the number of na-
4 tionals of Afghanistan who may be eligible
5 for special immigrant status under section
6 107 or an amendment made by such sec-
7 tion;

8 (iii) with respect to the strategy re-
9 quired under subparagraph (A)(i)—

10 (I) the estimated number of na-
11 tionals of Afghanistan described in
12 such subparagraph;

13 (II) a description of the process
14 for safely resettling such nationals;

15 (III) a plan for processing such
16 nationals of Afghanistan for admis-
17 sion to the United States, that—

18 (aa) discusses the feasibility
19 of remote processing for such na-
20 tionals of Afghanistan residing in
21 Afghanistan;

22 (bb) includes any strategy
23 for facilitating refugee and con-
24 sular processing for such nation-
25 als of Afghanistan in third coun-

1 tries, and the timelines for such
2 processing;

3 (cc) includes a plan for con-
4 ducting rigorous and efficient
5 vetting of all such nationals of
6 Afghanistan for processing;

7 (dd) discusses the avail-
8 ability and capacity of sites in
9 third countries to process appli-
10 cations and conduct any required
11 vetting for such nationals of Af-
12 ghanistan, including the potential
13 to establish additional sites; and

14 (ee) includes a plan for pro-
15 viding updates and necessary in-
16 formation to affected individuals
17 and relevant nongovernmental or-
18 ganizations;

19 (IV) a description of consider-
20 ations, including resource constraints,
21 security concerns, missing or inac-
22 curate information, and diplomatic
23 considerations, that limit the ability of
24 the Secretary of State or the Sec-
25 retary of Homeland Security to in-

1 crease the number of such nationals
2 of Afghanistan who can be safely
3 processed or resettled;

4 (V) an identification of any re-
5 source or additional authority nec-
6 essary to increase the number of such
7 nationals of Afghanistan who can be
8 processed or resettled;

9 (VI) an estimate of the cost to
10 fully implement the strategy; and

11 (VII) any other matter the Task
12 Force considers relevant to the imple-
13 mentation of the strategy; and

14 (iv) with respect to the contingency
15 plan required by subparagraph (A)(ii)—

16 (I) a description of the standard
17 practices for screening and vetting
18 foreign nationals considered to be eli-
19 gible for resettlement in the United
20 States, including a strategy for vet-
21 ting, and maintaining the records of,
22 such foreign nationals who are unable
23 to provide identification documents or
24 biographic details due to emergency
25 circumstances;

1 (II) a strategy for facilitating ref-
2 ugee or consular processing for such
3 foreign nationals in third countries;

4 (III) clear guidance with respect
5 to which Federal agency has the au-
6 thority and responsibility to coordi-
7 nate Federal resettlement efforts;

8 (IV) a description of any re-
9 source or additional authority nec-
10 essary to coordinate Federal resettle-
11 ment efforts, including the need for a
12 contingency fund; and

13 (V) any other matter the Task
14 Force considers relevant to the imple-
15 mentation of the contingency plan.

16 (C) FORM.—The report required under
17 subparagraph (A) shall be submitted in unclas-
18 sified form, but may include a classified annex.

19 (2) BRIEFING.—Not later than 60 days after
20 submitting the report required by paragraph (1), the
21 Task Force shall brief the appropriate committees of
22 Congress on the contents of the report.

23 (e) TERMINATION.—The Task Force shall remain in
24 effect until the earlier of—

1 (1) the date on which the strategy required
2 under subsection (d)(1)(A)(i) has been fully imple-
3 mented; or

4 (2) the date that is 3 years after the date of the
5 enactment of this Act.

6 **SEC. 6. SUPPORTING AT-RISK AFGHAN ALLIES AND REL-**
7 **ATIVES OF CERTAIN MEMBERS OF THE**
8 **ARMED FORCES.**

9 (a) DESIGNATION OF AT-RISK AFGHAN ALLIES AS
10 PRIORITY 2 REFUGEES.—

11 (1) DEFINITION OF AT-RISK AFGHAN ALLY.—

12 (A) IN GENERAL.—In this subsection, the
13 term “at-risk Afghan ally” means an alien
14 who—

15 (i) is a citizen or national of Afghani-
16 stan; and

17 (ii) was—

18 (I) a member of—

19 (aa) the special operations
20 forces of the Afghanistan Na-
21 tional Defense and Security
22 Forces;

23 (bb) the Afghanistan Na-
24 tional Army Special Operations
25 Command;

1 (cc) the Afghan Air Force;

2 or

3 (dd) the Special Mission

4 Wing of Afghanistan;

5 (II) a female member of any

6 other entity of the Afghanistan Na-

7 tional Defense and Security Forces,

8 including—

9 (aa) a cadet or instructor at

10 the Afghanistan National De-

11 fense University; and

12 (bb) a civilian employee of

13 the Ministry of Defense or the

14 Ministry of Interior Affairs;

15 (III) an individual associated

16 with former Afghan military and po-

17 lice human intelligence activities, in-

18 cluding operators and Department of

19 Defense sources;

20 (IV) an individual associated with

21 former Afghan military counterintel-

22 ligence;

23 (V) an individual associated with

24 the former Afghan Ministry of De-

1 fense who was involved in the prosecu-
2 tion and detention of combatants; or

3 (VI) a senior military officer,
4 senior enlisted personnel, or civilian
5 official who served on the staff of the
6 former Ministry of Defense or the
7 former Ministry of Interior Affairs of
8 Afghanistan; and

9 (VII) provided service to an enti-
10 ty or organization described in clause
11 (ii) for not less than 1 year during the
12 period beginning on December 22,
13 2001, and ending on September 1,
14 2021, and did so in support of the
15 United States mission in Afghanistan.

16 (B) INCLUSIONS.—For purposes of this
17 paragraph, the Afghanistan National Defense
18 and Security Forces includes members of the
19 security forces under the Ministry of Defense
20 and the Ministry of Interior Affairs of the Is-
21 lamic Republic of Afghanistan, including the
22 Afghanistan National Army, the Afghan Air
23 Force, the Afghanistan National Police, and
24 any other entity designated by the Secretary of
25 Defense as part of the Afghanistan National

1 Defense and Security Forces during the rel-
2 evant period of service of the applicant con-
3 cerned.

4 (2) DESIGNATION.—The Secretary of State, in
5 consultation with the Secretary of Homeland Secu-
6 rity, shall designate, as Priority 2 refugees of special
7 humanitarian concern, at-risk Afghan allies.

8 (3) AT-RISK AFGHAN ALLIES REFERRAL PRO-
9 GRAM.—

10 (A) IN GENERAL.—Not later than 90 days
11 after the date of the enactment of this Act, the
12 Secretary of Defense shall establish a process
13 by which an individual may apply to the Sec-
14 retary for classification as an at-risk Afghan
15 ally and request a referral to the United States
16 Refugee Admissions Program as Priority 2 ref-
17 ugees.

18 (B) APPLICATION SYSTEM.—The process
19 established under subparagraph (A) shall—

20 (i) include the development and main-
21 tenance of a secure online portal through
22 which applicants may provide information
23 verifying their status as at-risk Afghan al-
24 lies and upload supporting documentation;
25 and

1 (ii) allow—

2 (I) an applicant to submit his or
3 her own application; and

4 (II) a designee of an applicant to
5 submit an application on behalf of the
6 applicant.

7 (C) REVIEW PROCESS.—As soon as prac-
8 ticable after receiving a request for classifica-
9 tion and referral described in subparagraph
10 (A), the Secretary of Defense shall—

11 (i) review—

12 (I) the service record of the ap-
13 plicant, if available;

14 (II) if the applicant provides a
15 service record or other supporting
16 documentation, any information that
17 helps verify the service record con-
18 cerned, including information or an
19 attestation provided by any current or
20 former official of the Department of
21 Defense who has personal knowledge
22 of the eligibility of the applicant for
23 such classification and referral; and

24 (III) the data holdings of the De-
25 partment of Defense and other co-

1 operating interagency partners, in-
2 cluding biographic and biometric
3 records, iris scans, fingerprints, voice
4 biometric information, hand geometry
5 biometrics, other identifiable informa-
6 tion, and any other information re-
7 lated to the applicant, including rel-
8 evant derogatory information; and

9 (ii)(I) in a case in which the Secretary
10 of Defense determines that the applicant is
11 an at-risk Afghan ally, refer the at-risk Af-
12 ghan ally to the United States Refugee Ad-
13 missions Program as a Priority 2 refugee;
14 and

15 (II) include with such referral
16 any significant derogatory information
17 regarding the at-risk Afghan ally.

18 (D) PERSONNEL TO SUPPORT REC-
19 OMMENDATIONS.—Any limitation in law with
20 respect to the number of personnel within the
21 Office of the Secretary of Defense, the military
22 departments, or the defense agencies shall not
23 apply to personnel employed for the primary
24 purpose of carrying out this paragraph.

1 (E) REVIEW PROCESS FOR DENIAL OF RE-
2 QUEST FOR REFERRAL.—

3 (i) IN GENERAL.—In the case of an
4 applicant with respect to whom the Sec-
5 retary of Defense denies a request for clas-
6 sification and referral based on a deter-
7 mination that the applicant is not an at-
8 risk Afghan ally or based on derogatory in-
9 formation—

10 (I) the Secretary shall provide
11 the applicant with a written notice of
12 the denial that provides, to the max-
13 imum extent practicable, a description
14 of the basis for the denial, including
15 the facts and inferences, or evi-
16 dentiary gaps, underlying the indi-
17 vidual determination; and

18 (II) the applicant shall be pro-
19 vided an opportunity to submit not
20 more than 1 written appeal to the
21 Secretary for each such denial.

22 (ii) DEADLINE FOR APPEAL.—An ap-
23 peal under subclause (II) of clause (i) shall
24 be submitted—

1 (I) not more than 120 days after
2 the date on which the applicant con-
3 cerned receives notice under subclause
4 (I) of that clause; or

5 (II) on any date thereafter, at
6 the discretion of the Secretary of De-
7 fense.

8 (iii) REQUEST TO REOPEN.—

9 (I) IN GENERAL.—An applicant
10 who receives a denial under clause (i)
11 may submit a request to reopen a re-
12 quest for classification and referral
13 under the process established under
14 subparagraph (A) so that the appli-
15 cant may provide additional informa-
16 tion, clarify existing information, or
17 explain any unfavorable information.

18 (II) LIMITATION.—After consid-
19 ering 1 such request to reopen from
20 an applicant, the Secretary of Defense
21 may deny subsequent requests to re-
22 open submitted by the same applicant.

23 (b) SPECIAL IMMIGRANT VISAS FOR CERTAIN REL-
24 ATIVES OF CERTAIN MEMBERS OF THE ARMED

1 FORCES.—Section 101(a)(27) of the Immigration and Na-
2 tionality Act (8 U.S.C. 1101(a)(27)) is amended—

3 (1) in subparagraph (L)(iii), by adding a semi-
4 colon at the end;

5 (2) in subparagraph (M), by striking the period
6 at the end and inserting “; and”; and

7 (3) by adding at the end the following:

8 “(N) a citizen or national of Afghanistan
9 who is the parent or brother or sister of—

10 “(i) a member of the armed forces (as
11 defined in section 101(a) of title 10,
12 United States Code); or

13 “(ii) a veteran (as defined in section
14 101 of title 38, United States Code).”.

15 (c) GENERAL PROVISIONS.—

16 (1) PROHIBITION ON FEES.—The Secretary of
17 Homeland Security, the Secretary of Defense, or the
18 Secretary of State may not charge any fee in con-
19 nection with a request for a classification and refer-
20 ral as a refugee or an application for, or issuance of,
21 a special immigrant visa or special immigrant status
22 under—

23 (A) this section or an amendment made by
24 this section;

1 (B) section 602 of the Afghan Allies Pro-
2 tection Act of 2009 (8 U.S.C. 1101 note; Pub-
3 lic Law 111–8); or

4 (C) section 1059 of the National Defense
5 Authorization Act for Fiscal Year 2006 (8
6 U.S.C. 1101 note; Public Law 109–163).

7 (2) REPRESENTATION.—An alien applying for
8 admission to the United States under this section, or
9 an amendment made by this section, may be rep-
10 resented during the application process, including at
11 relevant interviews and examinations, by an attorney
12 or other accredited representative. Such representa-
13 tion shall not be at the expense of the United States
14 Government.

15 (3) NUMERICAL LIMITATIONS.—

16 (A) IN GENERAL.—Subject to subpara-
17 graph (C), the total number of principal aliens
18 who may be provided special immigrant visas
19 under this section may not exceed 2,500 each
20 fiscal year.

21 (B) CARRYOVER.—If the numerical limita-
22 tion specified in subparagraph (A) is not
23 reached during a given fiscal year, the numer-
24 ical limitation specified in such subparagraph

1 for the following fiscal year shall be increased
2 by a number equal to the difference between—

3 (i) the numerical limitation specified
4 in subparagraph (A) for the given fiscal
5 year; and

6 (ii) the number of principal aliens pro-
7 vided special immigrant visas under this
8 section during the given fiscal year.

9 (C) MAXIMUM NUMBER OF VISAS.—The
10 total number of aliens who may be provided
11 special immigrant visas under this section shall
12 not exceed 10,000.

13 (D) DURATION OF AUTHORITY.—The au-
14 thority to issue visas under this section shall—

15 (i) commence on the date of the en-
16 actment of this Act; and

17 (ii) terminate on the date on which all
18 such visas are exhausted.

19 (4) PROTECTION OF ALIENS.—The Secretary of
20 State, in consultation with the head of any other ap-
21 propriate Federal agency, shall make a reasonable
22 effort to provide an alien who is seeking status as
23 a special immigrant or requesting classification and
24 referral as a refugee under this section, or an
25 amendment made by this section, protection or to

1 immediately remove such alien from Afghanistan, if
2 possible.

3 (5) OTHER ELIGIBILITY FOR IMMIGRANT STA-
4 TUS.—No alien shall be denied the opportunity to
5 apply for admission under this section, or an amend-
6 ment made by this section, solely because the alien
7 qualifies as an immediate relative or is eligible for
8 any other immigrant classification.

9 (6) RESETTLEMENT SUPPORT.—A citizen or
10 national of Afghanistan who is admitted to the
11 United States as a special immigrant under this sec-
12 tion or an amendment made by this section shall be
13 eligible for resettlement assistance, entitlement pro-
14 grams, and other benefits available to refugees ad-
15 mitted under section 207 of such Act (8 U.S.C.
16 1157) to the same extent, and for the same periods
17 of time, as such refugees.

18 (7) ADJUSTMENT OF STATUS FOR SPECIAL IM-
19 MIGRANTS IN CERTAIN CIRCUMSTANCES.—Notwith-
20 standing paragraph (2), (7), or (8) of subsection (c)
21 of section 245 of the Immigration and Nationality
22 Act (8 U.S.C. 1255), the Secretary of Homeland Se-
23 curity may adjust the status of an alien described in
24 subparagraph (N) of section 101(a)(27) of the Im-
25 migration and Nationality Act (8 U.S.C.

1 1101(a)(27)) or subsection (a)(2) of this section to
2 that of an alien lawfully admitted for permanent res-
3 idence under subsection (a) of such section 245 if
4 the alien—

5 (A) was—

6 (i) paroled into the United States dur-
7 ing the period beginning on July 30, 2021,
8 and ending on the date of enactment of
9 this Act, provided that such parole has not
10 been terminated by the Secretary of Home-
11 land Security upon written notice; or

12 (ii) admitted as a nonimmigrant into
13 the United States; and

14 (B) is otherwise eligible for status as a
15 special immigrant under—

16 (i) this section; or

17 (ii) the Immigration and Nationality
18 Act (8 U.S.C. 1101 et seq.).

19 (8) AUTHORIZATION OF APPROPRIATIONS.—

20 There are authorized to be appropriated to the Sec-
21 retary of Homeland Security, the Secretary of State,
22 the Secretary of Defense, and the Secretary of
23 Health and Human Services such sums as are nec-
24 essary for each of the fiscal years 2024 through

1 2034 to carry out this section and the amendments
2 made by this section.

3 **SEC. 7. SUPPORT FOR ALLIES SEEKING RESETTLEMENT IN**
4 **THE UNITED STATES.**

5 Notwithstanding any other provision of law, during
6 Operation Allies Welcome, Enduring Welcome, and any
7 successor operation, the Secretary of Homeland Security
8 and the Secretary of State may waive any fee or surcharge
9 or exempt individuals from the payment of any fee or sur-
10 charge collected by the Department of Homeland Security
11 and the Department of State, respectively, in connection
12 with a petition or application for, or issuance of, an immi-
13 grant visa to a national of Afghanistan under section
14 201(b)(2)(A)(i) or 203(a) of the Immigration and Nation-
15 ality Act, 8 U.S.C. 1101(b)(2)(A)(i) and 1153(a), respec-
16 tively.

17 **SEC. 8. PAROLE REFORM.**

18 (a) IN GENERAL.—Section 212(d)(5) of the Immi-
19 gration and Nationality Act (8 U.S.C. 1182(d)(5)) is
20 amended to read as follows:

21 “(5)(A) Except as provided in subparagraphs (B)
22 and (C) and section 214(f), the Secretary of Homeland
23 Security, in the discretion of the Secretary, may tempo-
24 rarily parole into the United States any alien applying for
25 admission to the United States who is not present in the

1 United States, under such conditions as the Secretary may
2 prescribe, on a case-by-case basis, and not according to
3 eligibility criteria describing an entire class of potential
4 parole recipients, for urgent humanitarian reasons or sig-
5 nificant public benefit. Parole granted under this subpara-
6 graph may not be regarded as an admission of the alien.
7 When the purposes of such parole have been served in the
8 opinion of the Secretary, the alien shall immediately re-
9 turn or be returned to the custody from which the alien
10 was paroled. After such return, the case of the alien shall
11 be dealt with in the same manner as the case of any other
12 applicant for admission to the United States.

13 “(B) The Secretary of Homeland Security may grant
14 parole to any alien who—

15 “(i) is present in the United States without
16 lawful immigration status;

17 “(ii) is the beneficiary of an approved petition
18 under section 203(a);

19 “(iii) is not otherwise inadmissible or remov-
20 able; and

21 “(iv) is the spouse or child of a member of the
22 Armed Forces serving on active duty.

23 “(C) The Secretary of Homeland Security may grant
24 parole to any alien—

1 “(i) who is a national of the Republic of Cuba
2 and is living in the Republic of Cuba;

3 “(ii) who is the beneficiary of an approved peti-
4 tion under section 203(a);

5 “(iii) for whom an immigrant visa is not imme-
6 diately available;

7 “(iv) who meets all eligibility requirements for
8 an immigrant visa;

9 “(v) who is not otherwise inadmissible; and

10 “(vi) who is receiving a grant of parole in fur-
11 therance of the commitment of the United States to
12 the minimum level of annual legal migration of
13 Cuban nationals to the United States specified in
14 the U.S.–Cuba Joint Communiqué on Migration,
15 done at New York September 9, 1994, and re-
16 affirmed in the Cuba-United States: Joint Statement
17 on Normalization of Migration, Building on the
18 Agreement of September 9, 1994, done at New York
19 May 2, 1995.

20 “(D) For purposes of determining an alien’s eligi-
21 bility for parole under subparagraph (A), an urgent hu-
22 manitarian reason shall be limited to circumstances in
23 which the alien establishes that—

24 “(i)(I) the alien has a medical emergency; and

1 “(II)(aa) the alien cannot obtain necessary
2 treatment in the foreign state in which the alien is
3 residing; or

4 “(bb) the medical emergency is life-threatening
5 and there is insufficient time for the alien to be ad-
6 mitted through the normal visa process;

7 “(ii) the alien is the parent or legal guardian of
8 an alien described in clause (i) and the alien de-
9 scribed in clause (i) is a minor;

10 “(iii) the alien is needed in the United States
11 in order to donate an organ or other tissue for
12 transplant and there is insufficient time for the alien
13 to be admitted through the normal visa process;

14 “(iv) the alien has a close family member in the
15 United States whose death is imminent and the alien
16 could not arrive in the United States in time to see
17 such family member alive if the alien were to be ad-
18 mitted through the normal visa process;

19 “(v) the alien is seeking to attend the funeral
20 of a close family member and the alien could not ar-
21 rive in the United States in time to attend such fu-
22 neral if the alien were to be admitted through the
23 normal visa process;

24 “(vi) the alien is an adopted child with an ur-
25 gent medical condition who is in the legal custody of

1 the petitioner for a final adoption-related visa and
2 whose medical treatment is required before the ex-
3 pected award of a final adoption-related visa; or

4 “(vii) the alien is a lawful applicant for adjust-
5 ment of status under section 245 and is returning
6 to the United States after temporary travel abroad.

7 “(E) For purposes of determining an alien’s eligi-
8 bility for parole under subparagraph (A), a significant
9 public benefit may be determined to result from the parole
10 of an alien only if—

11 “(i) the alien has assisted (or will assist, wheth-
12 er knowingly or not) the United States Government
13 in a law enforcement matter;

14 “(ii) the alien’s presence is required by the Gov-
15 ernment in furtherance of such law enforcement
16 matter; and

17 “(iii) the alien is inadmissible, does not satisfy
18 the eligibility requirements for admission as a non-
19 immigrant, or there is insufficient time for the alien
20 to be admitted through the normal visa process.

21 “(F) For purposes of determining an alien’s eligi-
22 bility for parole under subparagraph (A), the term ‘case-
23 by-case basis’ means that the facts in each individual case
24 are considered and parole is not granted based on mem-
25 bership in a defined class of aliens to be granted parole.

1 The fact that aliens are considered for or granted parole
2 one-by-one and not as a group is not sufficient to establish
3 that the parole decision is made on a ‘case-by-case basis’.

4 “(G) The Secretary of Homeland Security may not
5 use the parole authority under this paragraph to parole
6 an alien into the United States for any reason or purpose
7 other than those described in subparagraphs (B), (C), (D),
8 and (E).

9 “(H) An alien granted parole may not accept employ-
10 ment, except that an alien granted parole pursuant to sub-
11 paragraph (B) or (C) is authorized to accept employment
12 for the duration of the parole, as evidenced by an employ-
13 ment authorization document issued by the Secretary of
14 Homeland Security.

15 “(I) Parole granted after a departure from the
16 United States shall not be regarded as an admission of
17 the alien. An alien granted parole, whether as an initial
18 grant of parole or parole upon reentry into the United
19 States, is not eligible to adjust status to lawful permanent
20 residence or for any other immigration benefit if the immi-
21 gration status the alien had at the time of departure did
22 not authorize the alien to adjust status or to be eligible
23 for such benefit.

1 “(J)(i) Except as provided in clauses (ii) and (iii),
2 parole shall be granted to an alien under this paragraph
3 for the shorter of—

4 “(I) a period of sufficient length to accomplish
5 the activity described in subparagraph (D) or (E)
6 for which the alien was granted parole; or

7 “(II) 1 year.

8 “(ii) Grants of parole pursuant to subparagraph (A)
9 may be extended once, in the discretion of the Secretary,
10 for an additional period that is the shorter of—

11 “(I) the period that is necessary to accomplish
12 the activity described in subparagraph (D) or (E)
13 for which the alien was granted parole; or

14 “(II) 1 year.

15 “(iii) Aliens who have a pending application to adjust
16 status to permanent residence under section 245 may re-
17 quest extensions of parole under this paragraph, in 1-year
18 increments, until the application for adjustment has been
19 adjudicated. Such parole shall terminate immediately upon
20 the denial of such adjustment application.

21 “(K) Not later than 90 days after the last day of
22 each fiscal year, the Secretary of Homeland Security shall
23 submit to the Committee on the Judiciary of the Senate
24 and the Committee on the Judiciary of the House of Rep-
25 resentatives and make available to the public, a report—

1 “(i) identifying the total number of aliens pa-
2 roled into the United States under this paragraph
3 during the previous fiscal year; and

4 “(ii) containing information and data regarding
5 all aliens paroled during such fiscal year, includ-
6 ing—

7 “(I) the duration of parole;

8 “(II) the type of parole; and

9 “(III) the current status of the aliens so
10 paroled.”.

11 (b) IMPLEMENTATION.—

12 (1) IN GENERAL.—Except as provided in para-
13 graph (2), this section and the amendments made by
14 this section shall take effect on the date that is 30
15 days after the date of the enactment of this Act.

16 (2) EXCEPTIONS.—Notwithstanding paragraph
17 (1)—

18 (A) any application for parole or advance
19 parole filed by an alien before the date of the
20 enactment of this Act shall be adjudicated
21 under the law that was in effect on the date on
22 which the application was properly filed and
23 any approved advance parole shall remain valid
24 under the law that was in effect on the date on
25 which the advance parole was approved;

1 (B) section 212(d)(5)(I) of the Immigra-
2 tion and Nationality Act, as added by sub-
3 section (a), shall take effect on the date of the
4 enactment of this Act; and

5 (C) aliens who were paroled into the
6 United States pursuant to section 212(d)(5)(A)
7 of the Immigration and Nationality Act (8
8 U.S.C. 1182(d)(5)(A)) before January 1, 2023,
9 shall continue to be subject to the terms of pa-
10 role that were in effect on the date on which
11 their respective parole was approved.

12 (c) CAUSE OF ACTION.—Any person, State, or local
13 government that experiences financial harm in excess of
14 \$1,000 due to a failure of the Federal Government to law-
15 fully apply the provisions of this section or the amend-
16 ments made by this section shall have standing to bring
17 a civil action against the Federal Government in an appro-
18 priate district court of the United States.

19 **SEC. 9. SEVERABILITY.**

20 If any provision of this title, or the application of
21 such provision to any person or circumstance, is held to
22 be unconstitutional, the remainder of this title, and the
23 application of the remaining provisions of this title to any
24 person or circumstance, shall not be affected.